

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.2302 OF 2005

Ms.Sarika Vilasrao Patil.

...Petitioner.

Vs.

The State of Maharashtra.

...Respondent.

....

Mr. S.J. Ghogare for the Petitioner.

Mrs. Jyoti Pawar, Addl. Govt. Pleader for the Respondent.

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CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

April 21, 2005.

P.C.:

The Petitioner has appeared for the final year of the Bachelor of Arts Examination from the Shivaji University, Kolhapur. The Petitioner states before the Court that she proposes to apply for admission for the B. Ed. Degree Course. Admissions for the B.Ed. Course have been centralised by the Government of Maharashtra and Rules have been framed under which a Common Entrance Test (CET) is to be held for completing admissions. The grievance of the Petitioner is that the Rules prescribed a Graduate Degree as a condition for eligibility for admission to the B.Ed. Course and that under the Rules, merit is ascertained by giving equal weightage to the percentage of the marks secured by the

candidate in the Third Year Examination for the Degree Course and for the marks obtained in the CET. According to the Petitioner, her result for the B.A. Degree Examination will not be declared by 8th May 2005 when the CET is to be held and the Petitioner would, therefore, not be eligible to appear for the CET. The relief which has been prayed is for quashing and setting aside the admission Rules that have been framed by the University for the B.Ed. Course for the year 2005-06.

2. In the affidavit in reply filed on behalf of the Joint Director of Higher Education, it has been stated that since the Petitioner has not completed her graduation, she is not eligible to apply for the admissions process to the B.Ed. Course. For the purpose of ranking merit, marks in the Third Year of Graduation are taken into consideration. The deponent of the affidavit has stated that since the B.Ed. Course is only of one academic year, a fixed time table has to be followed. The practical part of the curriculum has to be completed by the end of December, failing which, the students will not be allowed to conduct practice teaching lessons in schools. At least 25 weeks are required for practice lessons in schools. Hence, it is necessary to complete the B.Ed. Admissions

before 31st July and candidates whose results have been declared before the filling up of the form, will, therefore, be eligible to appear for the CET.

3. Having heard Counsel appearing on behalf of the Petitioner and the Learned Additional Government Pleader, we do not find anything arbitrary or unconstitutional in the Rules impugned in these proceedings. Nearly 95,000 candidates appear for the CET which is held to conduct the admissions for 211 Colleges in 9 Universities wherein 20,000 seats are to be filled in accordance with the time schedule prescribed by the National Council for Teachers' Education and by Government. The admissions process cannot be halted in order to await the result of different Universities which may be declared at varying points in time. There is an urgent need to complete the admissions process expeditiously so that curricular work for the one year B.Ed. Course can begin on time and can be completed according to schedule. The requirement that the candidate should have passed a Graduate Degree before applying for the CET is a uniform rule which is made applicable to candidates seeking admission from whatever source. The laying down of a uniform requirement

cannot be faulted since the object is to ensure the timely completion of admissions and the effective commencement and completion of the course of study on schedule. We do not find any reason to interfere. There is no merit in the petition which is accordingly rejected.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.